

A RESOLUTION

02- R-1495

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,180.06 IN SETTLEMENT OF THE CLAIM
OF RICHARD M. DICTER AGAINST THE CITY OF
ATLANTA**

WHEREAS, Richard M. Dicter has filed a claim against the City of Atlanta seeking damages arising out of damages sustained to his vehicle when he drove over an unraised water valve box located at 3520 Piedmont Road, NE; and

WHEREAS, the claim was forwarded to United Water Services Atlanta for payment, however, United Water Services Atlanta has denied Mr. Dicter's claim and have based the denial on their assertion that they are not responsible for the water meter valve; and

WHEREAS, the claimant has asserted damages in the amount of \$1,180.06 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Richard M. Dicter be settled for the sum of \$1,180.06.

WHEREAS, this claim had been previously adversed by City Council on May 20, 2002.

THEREFORE, BE IT RESOLVED by the Council of the City of Atlanta, Georgia that resolution number 02-R-0762 be hereby rescinded.

BE IT FURTHER RESOLVED that \$1,180.06 be paid by the City of Atlanta in satisfaction of any and all claims Richard M. Dicter may have stemming from damages sustained to his vehicle on or about January 2, 2002 at 3520 Piedmont Road, NE.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the inactions of United Water Services Atlanta.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 03, 2002
SEP 11, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0254

Date: August 21, 2002

Claimant /Victim RICHARD M. DICTER

BY: (Atty)(Ins. Co.)

Address: 718 Waterford Place, Atlanta, Georgia 30342-2383

Subrogation: Claim for Property damage \$ 1,180.06 Bodily Injury \$

Date of Notice: 03/26/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/02/02 Place: 3520 Piedmont Road, NE

Department Water Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he damaged his vehicle when he drove over an unraised water valve box in the roadway. The claim was forwarded to United Water Services Atlanta for payment, however, United Water Services Atlanta has rejected the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other X Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 1,180.06 Adverse Account charged: 1A01 2J01 X 2H01 2P01

Claims Manager:  Concur/date

Committee Action: Council Action

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
B Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		09/03/02 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSESED ON CONSENT AGENDA	
1. 02-O-1455	43. 02-R-1492	59. 02-R-1418	
2. 02-O-1456	44. 02-R-1347	60. 02-R-1419	
3. 02-O-1457	45. 02-R-1461	61. 02-R-1420	
4. 02-O-1460	46. 02-R-1462	62. 02-R-1421	
5. 02-O-1454	47. 02-R-1471	63. 02-R-1422	
6. 02-O-1336	48. 02-R-1484	64. 02-R-1423	
7. 02-O-1337	49. 02-R-1486	65. 02-R-1424	
8. 02-O-1339	50. 02-R-1363	66. 02-R-1425	
9. 02-O-1340	51. 02-R-1364	67. 02-R-1426	
10. 02-O-1341	52. 02-R-1365	68. 02-R-1427	
11. 02-O-1342	53. 02-R-1412	69. 02-R-1428	
12. 02-O-1343	54. 02-R-1413	70. 02-R-1429	
13. 02-O-1226	55. 02-R-1414	71. 02-R-1430	
14. 02-O-1446	56. 02-R-1415	72. 02-R-1431	
15. 02-O-1465	57. 02-R-1416	73. 02-R-1432	
16. 02-R-1370	58. 02-R-1417	74. 02-R-1433	
17. 02-R-1371		75. 02-R-1434	
18. 02-R-1372		76. 02-R-1435	
19. 02-R-1373		77. 02-R-1436	
20. 02-R-1374		78. 02-R-1437	
21. 02-R-1375		79. 02-R-1438	
22. 02-R-1376			
23. 02-R-1378			
24. 02-R-1379			
25. 02-R-1380			
26. 02-R-1392			
27. 02-R-1468			
28. 02-R-1480			
29. 02-R-1481			
30. 02-R-1482			
31. 02-R-1483			
32. 02-R-1385			
33. 02-R-1479			
34. 02-R-1369			
35. 02-R-1439			
36. 02-R-1440			
37. 02-R-1495			
38. 02-R-1500			
39. 02-R-1501			
40. 02-R-1386			
41. 02-R-1388			
42. 02-R-1491			

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458

02-1495

(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF \$1,180.06
IN SETTLEMENT OF THE CLAIM OF
RICHARD M. DICTER AGAINST THE
CITY OF ATLANTA

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

- ☐ CONSENT REFER SEP 03 2002
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & RE-COUNCIL
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>Public Safety</i>	Committee _____
Date <i>8/27/02</i>	Date _____
Chair <i>[Signature]</i>	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members <i>[Signatures]</i>	Members _____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
SEP 03 2002
Catherine W. Watkins
MUNICIPAL CLERK

CERTIFIED
SEP 03 2002
Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
[Signature]
SEP 11 2002
MAYOR